

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 372 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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DILIPSINH B JADEJA

Versus

DIRECTOR OF AGRICULTURAL PRODUCE MARKET COMMITTEE

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Appearance:

MR DD VYAS for Petitioner

MR MI HAVA for Respondent No. 1

MR SURESH M SHAH for Respondent No. 2

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CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 12/03/97

ORAL JUDGEMENT

It seems that Order, Annexre-B, dated ;5-2-1983, which is the subject matter of challenge in this petition, was challenged in Regular Civil Suit No.100 of 1983 dealt with by the learned Jt.Civil Judge (SD), Jamnagar. In the suit no interim reliefs were granted all through out and finally, the suit came to be dismissed on 31st August 1989, as could be seen from the copy of the judgment which was produced by learned Advocate Mr.M.S.Shah appearing for respondent no.2. Essentially, the contest is between the petitioner and respondent no.2. It is obvious that the suit was filed before the present petition was filed presumably with a view to get some interim relief.

2. The said decision of the Civil Court, so far as the petitioner and the respondent are concerned, has become final. If nothing else, on the point of res judicata itself, the matter should go because in respect

of one and the same dispute, two parallel proceedings have been initiated and one having concluded, it will be against public policy to reopen the controversy. I am aware of the fact that the present petition is under Article 226 of the Constitution of India. However, in substance, the controversy relates to the dismissal of the petitioner from the post of Secretary of respondent no.2 for the reasons stated in Order, Annexure B.

3. Under the circumstances, the petition is dismissed, as it has become infructuous. Rule is discharged with no order as to costs.

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